IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 366 (SS) OF 2001
(OLD NO. 49247/1999)

1. Gopal Singh Vohra,
   S/o Deewan Singh Vohra,
   R/o 450, Baliwala, Dehradun.
2. Virendra Dutt, S/o Jagdish Acharya,
   R/o Nehru Gram Road, Jagiwala,
   Dehradun.
3. Gopeshwar Prasad Rathuri,
   S/o Shanker Dutt,
   R/o Heater Supply, MES Office,
   Element Town, Dehradun.

.....Petitioners.

Versus

1. State of U.P., through Principal Secretary, Avas, U.P. Government Secretariat, Lucknow.
2. Vice Chairman, Mussoorie Dehradun Development Authority, Dehradun.
3. Secretary, Mussoorie Dehradun Development Authority, Dehradun. .....Opposite Parties.

Sri Raman Kumar Shah, learned counsel for the petitioners.
Learned Standing Counsel for the respondents.

Dated: 04.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to pay minimum of pay-scale as admissible to the petitioner as is being given to the similarly situate persons, working under the respondents.

Briefly stated, according to the case of the petitioners, petitioners were initially appointed on 01.6.1989 as Process Server, on 01.06.1991 as Work Supervisor and on 03.10.1987 as Driver respectively on daily wage basis in the Mussoorie Dehradun Development Authority, Dehradun. The grievance of the petitioner is that the aforesaid posts have regular pay scale and despite the fact that the petitioners have put in

surmountable period of time, they are not being paid the required pay scale.

Learned counsel for the petitioners has submitted that although they have been directed to perform their duty on daily wage basis, but looking into the need of the work and post, there is need for sanction and creation of posts in the development authority. The petitioners have also claimed that they are entitled for the salary like regular employees and therefore, they are entitled for regularization as well as for regular pay-scales, which is being paid to the regular employee.

In view of the above, liberty is given to the petitioners to file a fresh representation within a period of two weeks from the date of presentation of the certified copy of the order. If such a representation is filed, the same shall be disposed of by the respondents along with the old representation dated 06.10.1997 within a period of two months thereafter in accordance with law after hearing both the parties.

Accordingly, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

Dated: 04.03.2006
Rathour